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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
08 MAY -5 AM 10:26
CLERK
SOUTHERN DISTRICT OF CALIFORNIA
08 MJ 1398

UNITED STATES OF AMERICA,

Plaintiff,

v.

Agustin MADRIGAL-Cervantes

Defendant.

Magistrate Case No. _____

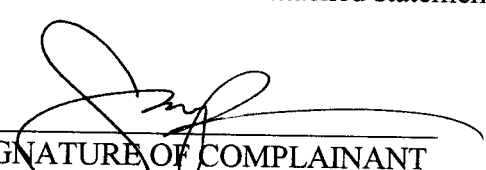
COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Sec.
1324(a)(2)(B)(iii) -
Bringing in Aliens Without
Presentation (Felony)

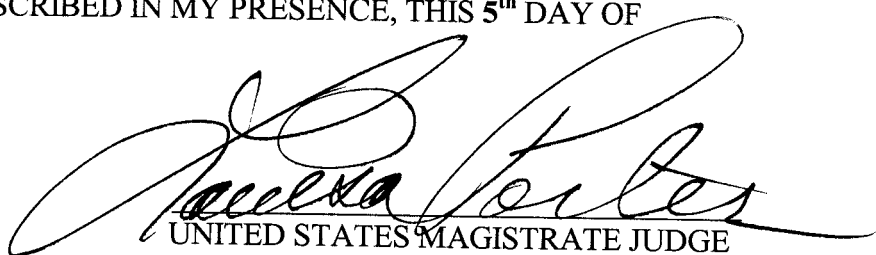
The undersigned complainant, being duly sworn, states:

That on or about **May 3, 2008** within the Southern District of California, defendant **Agustin MADRIGAL-Cervantes**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely **Amapola BAUTISTA-Santana** had not received prior official authorization to come to, enter and reside in the United States, did attempt to bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 5th DAY OF
May, 2008.


UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

I, United States Customs and Border Protection (CBP) Enforcement Officer Michael Pederson, declare under penalty of perjury the following to be true and correct:

The complainant states that Amapola BAUTISTA-Santana is a citizen of a country other than the United States; that said alien has admitted she is deportable; that her testimony is material; that it is impracticable to secure her attendance at trial by subpoena; and that she is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On May 3, 2008 at approximately 11:55 AM, Agustin MADRIGAL-Cervantes (Defendant) made application for admission into the United States driving a gray Mazda 929 at the San Ysidro Port of Entry. Defendant presented his valid US Passport to the CBP Officer. Defendant gave two negative declarations to the CBP officer. Defendant was accompanied by his 6 year old daughter. During a primary inspection of the vehicle, the CBP Officer discovered Defendant was smuggling an aliens. The CBP Primary Officer handcuffed the Defendant and the vehicle and occupants were escorted to the secondary area for further inspection.

In secondary, a CBP Officer discovered and removed one individual from the rear seat base where the rear seat cushion should have been. The individual is now identified as Material Witness: Amapola BAUTISTA-Santana (MW). The Material Witness was found wrapped in a blanket and upholstery material and then covered by a pinata, toys, candies, and a child's car seat. Material Witness was determined to be a citizen of Mexico with no entitlements to enter, pass-through, or reside in the United States.

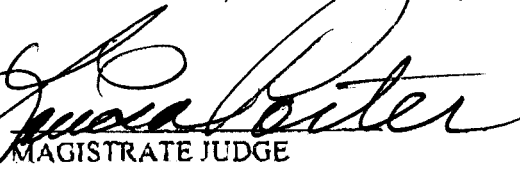
A Videotaped interview was conducted with Material Witness. Material Witness stated she is a citizen of Mexico with no documents to lawfully enter or reside in the United States. Material Witness stated her father made the arrangements with an unknown male smuggler to be smuggled into the United States for an unknown amount of money to be paid upon her successful entry into the United States. Material Witness indicated that she was placed in the modified seat compartment of the vehicle by an unknown male. Material Witness stated that Defendant told her that the girl was going to sit on top of her. Material Witness stated she was in the modified seat compartment for approximately 3-4 hours and that she felt like she was choking. Material Witness stated that Defendant gave her a report when they were approaching the inspection booth stating "four more cars to cross". Material Witness stated she intended to travel to Hilton Head, California to be with her father.

EXECUTED ON THIS 3rd DAY OF May 2008 AT The San Ysidro Port of Entry.



Michael Pederson / CBP Enforcement Officer

On the basis of the facts presented in the Probable Cause Statement consisting of (2) page(s), I find probable cause to believe that the defendant named therein committed the offense on May 3, 2008 in violation of Title 8, United States Code, Section 1324.


MAGISTRATE JUDGE

5/4/08 7:40 PM
DATE/TIME